

REMARKS

This Amendment is responsive to the Office Action dated May 23, 2003. Claims 21-23, 25-33 and 35-40 were pending in the application. In the Office Action, claims 21-23, 25-33 and 35-40 were rejected. In this Amendment, claims 21-23, 25-33 and 35-40 have been cancelled, and new claims 41-44 have been added. Claims 41-44 thus remain for consideration.

Applicant submits that claims 41-44 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 21-23, 25-33 and 35-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Roskowski et al. (U.S. Patent No. 5,624,316).

Claims 21, 23, 27, 31, 33, 36 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over James, Jr. et al. (U.S. Patent No. 6,240,519).

Claims 21-23, 25-33 and 35-40 have been cancelled, thereby rendering their rejections moot.

New Claims

Applicant submits that the new independent claims (claims 41 and 43) are patentable over Roskowski and James.

Applicant's invention as recited in the new independent claims is directed toward an information processing apparatus and a method for starting up an information processing apparatus. Each of the claims recites that the information processing apparatus includes a processor for executing a boot program, a data store for storing the boot program and first startup

image data, and a recording medium removably connected to the information processing apparatus for storing second startup image data and other data. Each of the claims further recites that "if said boot program is executed when said recording medium is not connected to the information processing apparatus, an image of said first startup image data is displayed, and if said boot program is executed when said recording medium is connected to the information processing apparatus, an image of said second startup image data is displayed." Applicant's startup image implementation allows the present invention to realize advantages such as those discussed in the specification at page 31, lines 7-11.

Roskowski discloses a detachable smart card, and James discloses a detachable floppy disk. Neither of the references discloses Applicant's startup image implementation, and therefore the references can not realize the advantages of Applicant's invention. Accordingly, Applicant believes that claims 41 and 43 are patentable over Roskowski and James - taken either alone or in combination - on at least this basis.

Claim 42 depends on claim 41. Since claim 41 is believed to be patentable over the cited references, claim 42 is believed to be patentable over the cited references on the basis of its dependency on claim 42.

Claim 44 depends on claim 43. Since claim 43 is believed to be patentable over the cited references, claim 44 is believed to be patentable over the cited references on the basis of its dependency on claim 43.

Applicant submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Bruno Polito
Reg. No. 38,580
(212) 588-0800